19~~35~~ 38-39 **File No.** 3140/36 I

P.W. **DEPARTMENT**

A CLASS E **BRANCH**

Subject:— Territorial Changes

Establishment-

making- Sub-Divisional

Permanant-

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File No. 3140/361 E

Etd. Secst. Bldp. 94 A

Std. Scott. 78A a.

G.R., G D., No 2408, dated 22-6-22.]

Correspondence

DOCKET SHEET (B)

Subject :—

File No. 3140/36 I

P-W. DEPT.

E BRANCH.

References :—

Date.	To whom sent.	Notes and instructions.

Making Sub-Divisional Establishment permanent.

GOVERNMENT OF BOMBAY.
PUBLIC WORKS DEPARTMENT.
Resolution No. 3140/36.
Bombay Castle, 12th December 1939.

D1 Letter from the Superintending Engineer, Southern Circle, (L.E.Greening Esq.I.S.E), No. G.R.31 (K), dated the 24th August 1939, as under:-

"I have the honour to refer to Government Resolution (P.W.D.), No. 3140/36, dated the 15th May 1939, and to state that as ordered therein,

51 posts of Sub-Divisional clerks out of 56
and
41 posts of Sub-Divisional inferior servants out of 51

in this circle having been converted into permanent pensionable Posts, the following points with regard to this Establishment have been raised and it is requested that Government be pleased to issue orders thereon:-

(a) the authority competent to fill in the posts, whether the Superintending Engineer or the Executive Engineer?

(b) the period of service rendered by such Establishment to be considered as pensionable.

(c) The date from which the next increment should be granted.

(d) Whether in the case of Pass and Honours Graduates getting Rs. 40 and Rs. 50 per mensem respectively, their pay should be fixed at a stage next below their present pay.

(e) Whether the clerks at present borne on the Sub-Divisional Establishment may be considered as exempted from the operation of rule 90 of the Bombay Civil Services Recruitment Rules.

(f) Whether any 3 rd clerk in the Sub-Divisional Office who by reason of his length of service is promoted as 2nd clerk in the scale of 30-5/3-80 or 25-5-/3/75 can be entrusted with the duties of the 3rd clerk for whom lower scales of Rs. 30-5/4-60 or Rs. 25-5/4/55 have been sanctioned.

(g) Whether any of these clerks can be transferred to the permanent establishment in the Divisional and Administrative Offices.

"2. Point (a)—So far appointments to the Sub-Divisional Establishment have been made by the Executive Engineers in view of the provision made in Note 2 under paragraph 15 of of the Bombay Public Works Department Manual, the Establishment being not so

far...

far borne on a consolidated Circle List. Since Government have now ordered that all the Sub-Divisional clerks in a Circle should be borne on a single list, the appointment of this class of Establishment including the temporary posts will be made by the Superintending Engineer, the question as regards their transfer from one Sub-Division to another being left to the Executive Engineers to decide. As regards the inferior servants in the Sub-Divisional Offices, 41 men according to seniority arranged on the basis of their total length of service have now been brought on the permanent list and the remaining 10 junior men have been kept on the temporary Establishment. Since these inferior servants are not to be transferred, vide exception below Bombay Civil Service Rule 488, and there is no question of their promotion to higher posts, I am of opinion that appointments to fill vacancies of Inferior servants may be allowed to be made by the Executive Engineers as hitherto under intimation to this Office when the existing temporary men will be appointed to permanent posts as vacancies occur.

"3. Point (b)—It is presumed that the whole of the temporrary service rendered by the Sub-Divisional clerks and Inferior servants should be considered as pensionable in view of the provision in Note 1 to Bombay Civil Services Rule 240/ At present there are many elderly clerks who are to retire immediately in view of Government Resolution,(Finace Department), No. 3162/33, dated 9th August 1939 being of the ages 56 to 58 years and of the benefit of this rule is not allowed to them, these men will not be able to receive the full pension, though the total service rendered by them is more than 30 to 33 years of which the service before 1919 was on the work-charged Establishment . It is, therefore, requested that Government be pleased to allow the whole of the temporary service to be counted towrards pension.

"4. Point (c).—In the Government Resolution referred to in paragraph 1 above there is no specific mention as to the date from which the next increment should be granted and as such it is presumed that the increment should be regulated from the dates on which they normally fall due and not from 1st April 1939. Similar orders were issued by Government in their Resolution No. 5400/27, dated 2nd August 1933 in connection with the point (h) referred to in paragraph 4 thereof when the temporary cuts in pay of the temporary

Est....

Establishment wer made permanent as ordered in Government Resolution (Public Werks Department), No.5400/3827, dated the 13th December 1932. There are at present cases of clerks to whom increments have become due in the normal course within two or three months from the date of their being made epermanent, viz. 1st April 1939 and it would be a great hardship if in their case future increment are to be regulated from that date when it is considered that their pay has been reduced by Rs. 5 under the orders in paragraph 5 of the Government Resolution in question and they are required to wait for 3 or 4 years to earn one increment.

"5. Point (d), --In the Government Resolution in question, remakrs have been made as regards the starting pay admissible to qualified clerks and it is laid down in paragraph 5 thereof that the reduced pay should not be less than the minimum of the scale mentioned therein. It is however not clear therefrom whether in the case of Pass or Honours Graduates getting Rs. 40 and 50, respectively, their pay can also be reduced by Rs. 5. At present there are 5 Graduaes employed in the Sub-Divisional Establsihment who hace been getting Rs. 40 which is the starting pay fixed for them, vide paragraph 3 of Government Resolution (FinanceDeptt.) No.150/33, dated the 28th December 1933. Besides, the question as regards their seniority is also to be decided. In Government Resolution (Finance Department), No. 5600. dated the9th May 1928, it is laid down that the Graduaes should take rank forpromotion according to their pay, i.e., next belwo the most junior clerk who is already drawing the pay on which they start and according to clause (b) of Government Resolution (Public Werks Department), No. S.92/22132, dated 9th May 1924, the Graduates are not et be promoted to the next higher grade before they or put in three years' service in the last grade. Since Government have now ordered in paragraph 2 of the Government Resolution referred to in paragraph 1 above that the seniority of Sub-Divisional clerks should be arranged on the basis of their total length of service, it is presumed that the principles of seniority as laid down in the abovementioned Goverment Resolutions are not applicable in the case of Graduates employed on the Sub-Divisional ~~Resolutions are not applicatbel in the case of Graduates employed on the Sub-Divisional~~ Establishment. In this connection, I would invite attention to Government Memorandum (Public Werks Department), No. S. 8/34452-E, dated the 1st February 1929 from ~~the seniority of Graduates~~ which it will be seen that there has been a general objection in the pst to the fixing of the seniority, ~~the above five Graduates who have~~

been....

of Graduates on the basis pay. It is more so in the case of Sub. Div. — Establishment because if the principle of apy is adopted in fixing the seniority, the above five Graduates who have been recently recruited willbecome senior to many clerks who have put in more than even 10 years' service. I am therefore of opinion that lenght of service should be the main criterion in fixing the seniority of Sub-Divisional clerks.

"6. Point (e).—In accordance with Rule 141 of the Bombay Civil Services Recruitment Rules, the first appointment to clerical post shall ordinarily be made from amongst candidates who must—

(a) be not more than 25 years of age (which is fixed at 28 years in the case of Backward and Intermediate class men) at the time of appointment,

(b) have passed any of the examinations mentioned therein.

From the list of Sub-Divisional clerks it is noticed that these requitements have not been fulfilled in in the case of some of the clerks borne on the Sub-Divisional Establsihment. In view of the low pay allowed to these clerks borne in the past, it was found difficult to get qualified men and so only non-qualified men as were available were recruited to this Establishment. Besides men who had exceeded the prescribed age limit were even appointed to this Establishment inasmuch as there was no rigid enforcement of the above rule because the whole of the Establishment was temporary. The restrictions laid down in the above-mentioned rule are, however, being observed now and with a view to avoid audit objection from the Accountant General, Bombay, it is requested that Government be pleased to grant general exemption from the operation of the abpve rule in respect of the clerks at present borne on the Sub-Divisional Establishment.

"7. Point (f).— In making the Sub-Divisional Establishment permanent, it is mentioned in paragraph 3 of the Government Resolution in question, that the orders issued therein do not necessarily require the transfer of men from one Division or Sub-Division to another. However in the case of the Sub-Divisional clerks, there being two different scales of pay, one higher for the 1st and 2nd clerks and the other lower for the 3rd clerks, transfers are inevitable not only from one Sub-Division to another but even from one Division to another whenever a 3rd clerks is to be promoted as 2nd clerk, i.e., from a lower to the higher scale of apy pay. This will be evident from the following cases which have come to notice at present in this Circle:-

name....

Name of clerk.	Date of appointment.	Rank in the consolidated Circle list according to the total length of service.	Post held on the temp. Estbl. before 1st April 1939.	Divn. where servi-ng.
1.	2.	3.	4.	5.
1)Mr. H.H.Unkalkar	10th March 1934.	2nd clerk.	3rd clerk.	Dharwar.
2) Mr. P.V.Hasabnis	1st October 1935	2nd clerk.	3rd clerk.	Belgaum.
3) Mr. J.P.Rodriques.	15th January 1936	3rd clerk.	2nd clerk.	Kanara.
4) Mr. B.V.Bengiri.	1st November 1936.	3rd clerk.	2nd clerk.	Bijapur.

So far the Sub-Divisional clerks were borne on a Divisional list and clerks Nos. (3) and (4) referred to above were appointed by the Executive Engineers concerned as 2nd clerks because they were senior in point of service amongst the clerks serving in the Division concerned. Now that they are brought on a single Circle list, they have become junior in point of service to clerks Nos. (1) and (2) who are at present working as 3rd clerks in other Divisions. I have, therefore, changed the designations of the above four clerks, the clerks Nos. (1) and (2) being designated and 2nd clerks in the scale of Rs. 30-5/2--75 and the other two clerks as 3rd clerks in the scale of Rs. 30--5/4--55 according to their length of service. It will this be seen that the two clerks who are now ranked amongst 2nd clerks have at present been doing duties of 3rd clerks while their juniors in other Divisions now ranked amongst 3rd clerks have been doing duties of 2nd clerks whereby an anomalous position has been created.

(ii) To avoid these anomalies, there are two alternatives (1) that the above four clerks should be asked to change places involving their transfer from one Division to another or (2) that the 3rd clerks in the lower scale should be all to be obtrusted with the dities of 2nd clerks without being promoted to the higher scale attached to the latter post. With regard to the 2nd alternative, I am of the opinion that as the pays of 1st and 2nd clerks in the Sub-Divisional Offices have been fixed at higher rates in consideration of the specific duties to be performed by the individuals holding them, the person carrying out these duties should receive the pay of the post attached to it. Accordingly, it will not be in order to entrust the duites of 2nd clerks to the 3rd clerks. If this is agreed to, it would be clear that transfers of Sub-Divisional clerks are inevitable and the four clerks referred to above will have to be trans-ferred from one Division to another so that they can be entrusted with the

duties...

duties of the post to which they are now appointed.

"8. Point (g).—During recent years there has been no paucity of qualified candidates and even Graduates who are willing to enlist as Sub-Divisional clerks. Out of the 56, Sub-Divisional clerks, 23 clerks are qualified and 5 clerks are Graduates, one of them being an Honours Graduates, So far these men were being taken on the permanent clerical establishment of Divisional Offices because, as reported in paragraph 3 of this office No. G.R.(31) (K), dated 16th December 1925, printed in the preamble of Government ~~experimxxxxxfxOffixxxxx~~ Resolution (Public Works Department), No. 8478, dated 12th April 1926, their previous experience of Office work in Sub-Divisilnal Offices proved useful in Divisional Offices. So a qualified or Graduate clerk appointed in Sub-Divisilnal Offices ahad the prospects of obtaining promotion to the higher grades in the permanent clerical establishment of this Circle. Since these clerks are now made permanent, there is now another permanent clerical cadre in respect of Sub-Divisional Office Establishment. As such it is a question whether the qualified or Graduate clerks, now borne on that establishment, may be taken up in the permanent clerical establishment of Divisional Offices. If they are not to be taken up in Divisional Offices because they are borne on ~~thx~~ a separate clerical cadre, they cannot rise above Rs. 80 or 75 while their confreres in Divisional Offices recruited from outside can hope to rise up to Rs. 160 whereby there will be general discontent among the Sub-Divisional Establishment. I am therefore of opinion that whenever any vacancy occurs in the permanent clerical establishment in Divisional Offices, it should be filled from amongst the Sub-Divisional clerks who are fully qualified, their claims being considered according to merit and length of service."

Memorandum from the Superintending Engineer, Northern Circle, No. G. 62/7695, dated the 27th September 1939, as under :—

"* * * * *

"2. There are several sub-divisional inferior servants in this Circle with long service who do not know their ages. The Executive Engineers sent such men to Civil Surgeons for ascertaining their ages and the Civil Surgeon found some of them to be physically unfit for further service and for being made permanent. There are some sub-divisional clerks who are on the verge of retirement or who have rendered long service. It is possible that some of them who have not produced medical

certificates of physical fitness, while in temporary service, will not be found fit physically for being made permanent. The undersigned would therefore request orders whether such men should be deprived of permanent appointments under Bombay Civil Services Rule 10. If this is done, the men will be in a sad predicament for on the one hand they will lose their employment and on the other will not be entitled to pension.

3. Pending orders of Government on the above points, the undersigned is issuing orders making sub-divisional clerks and inferior servants permanent subject to the condition of production of certificate of physical fitness as required by Bombay Civil Services Rule 10 as advised by the Accountant General.

RESOLUTION— Government is pleased to pass orders as follows on the points raised by the Superintending Engineer, Northern Circle, and the Superintending Engineer, Southern Circle, with reference to Government Resolution No. 3140/36, dated the 15th May 1939, conveying orders regarding the clerks and inferior servants in sub-divisional offices made ~~permant~~ permanent :-

(a) Future appointments to ~~clerical~~ clerical posts in Sub-Divisional offices should be made by the Superintending Engineer, as all these clerks in a Circle are to be borne on a single list. The Executive Engineer may, when necessary, transfer a clerk from one sub-division to another in the same Division.

Future appointments to the posts of inferior servants in sub-divisio offices should be made by the Executive Engineer, the men being borne on a Divisional list and dealt with by the Executive Engineer.

(b) The temporary service of the men made permanent from the 1st April 1939 will be counted for pension in accordance with Bombay Civil Services Rule 240 (1). The question of allowing the previous work-charged service also of these men to count for pension is under consideration.

(c) The increments of the clerks made permanent should, as a special case, be regulated as before, i.e., the dates of their increments on being made permanent should remain unchanged.

(d) The reduced starting pay to be given on being made permanent should not be less than Rs. 40 in the case of pass graduates and Rs. 50 in the case of honours graduates, as these are the minimum rates of pay admissible to graduates appointed to the clerical establishment.

In paragraph 2 of Government Resolution No. 3140/36, dated the 15th May 1939, it was directd that the clerks should be selected for appointment to the permanent posts according to their seniority arranged on the basis of their total length of service. This seniority is simply for the purpose of selelcting men for appointment to the permanent posts and should be observed accordingly.

The general question of seniority of clerks is separately under consideration and the necessary orders will be issued in due course.

(e) A general relaxation of the prescribed age-limit and educational qualifications is sanctioned as a special case in the case of these men who do not fulfil the requirements of the rules and have been appointed to peemanent posts from the 1st April 1939.

A general exemption from the preducation of medical certificate of physical fitness is also sanctioned as a special case in the case of all these men made permanent from the 1st April 1939, provided they are carrying out their duites efficiently.

(f) Sub-Divisional clerks may be ~~xmf~~ transferred from one Division or Sub-Division/ to another when it is necessary to do so in the interest of public service or for other reasons. A third or store clerk promoted to a second clerk's post should be transferred to that post whether that post is in another Sub-Division or Division and he must do the duties of the post to which he is promoted.

(g) Sub-Divisional clerks may be promoted, when considered necessary, to the clerical establishment in the Divisional and ~~Cxrkx~~Circle office strictly by ~~xkx~~ selection on grounds of merit only, after considering the claims of temporary clerks in the Circle and Divisional offices for promotion to thepermanent clerical establishment in these offices.

By order of the Governor of Bombay,

Sd/- R. H. HAMMETT,
Deputy Secretary to Government,

G.R. No. 3140/36. P.W.D., dated the 12th December 1939.

To

The Finance Department,

The Superintending Engineers of Circles,

The Electrical Engineer to Government,

The Consulting PublicHealth Engineer to Government,

contd.. ..

The Accountant General, Bombay,

All Executive Engineers of Divisions.

L.P.W.D. - T. 158---2

No. of 1939.

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